

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-00725-SPG-SSC Date: October 19, 2023

Title Jordan Peter Mendez v. Sheriff Coroner Don Barnes, et al.

Present: The Honorable Stephanie S. Christensen, U.S. Magistrate Judge

Teagan Snyder
Deputy Clerk

n/a
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
None Present

Attorneys Present for Defendants:
None Present

**Proceedings: (IN CHAMBERS) Order to Show Cause Why
Complaint Should Not Be Dismissed for Failure to Prosecute
and/or Comply with Court Order**

On April 26, 2023, pro se Plaintiff Jordan Peter Mendez, an inmate at the Theo Lacy Facility in Orange County, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF 1.) The Court screened the complaint as required by statute and, on September 5, 2023, dismissed the complaint with leave to amend in an order that detailed the complaint's deficiencies and gave Plaintiff specific instructions for filing a first amended complaint. (ECF 16.) The Court gave Plaintiff until October 5, 2023, to file a first amended complaint. (*Id.* at 4.) On

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October 13, 2023, Plaintiff filed a first amended complaint (FAC).¹
(ECF 17.)

Plaintiff has not made a good-faith attempt to comply with the Court's September 5, 2023, order. In fact, despite the Court's instruction that the FAC must "be complete in and of itself and not refer in any manner to the original complaint" (ECF 16 at 5), the FAC fails to identify the defendants being sued or Plaintiff's claims for relief. (*Id.* at 1–2.) Rather, the FAC simply identifies Plaintiff's name, address, case number, and where the alleged violations took place, and attaches copies of jail grievances that were previously attached to the original complaint. (*Id.* at 1–10.)

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, on or before **November 20, 2023**, why this action should not be dismissed for failure to prosecute and/or comply with a court order.

In the alternative, on or before **November 20, 2023**, Plaintiff may file a second amended complaint in compliance with the Court's September 5, 2023, order. If Plaintiff files a second amended complaint in compliance with the Court's September 5, 2023, order, this order to

¹ Because the FAC contains minimal detail and is not signed, the Court cannot discern on what date it might be deemed filed under the mailbox rule. *See Roberts v. Marshall*, 627 F.3d 768, 770 n.1 (9th Cir. 2010) (under the "mailbox rule" when a pro se prisoner gives prison authorities a pleading to mail to court, the Court deems the pleading constructively filed on the date it is signed). For purposes of this order, the Court presumes Plaintiff timely filed the FAC.

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show cause will automatically be discharged, and Plaintiff need not respond to it separately.

The Clerk is directed to include with this order a copy of ECF 16 to ensure that Plaintiff has received a copy of the Court's September 5, 2023, order, which he must comply with should he elect to file a second amended complaint. In addition, the Clerk shall provide Plaintiff with a blank copy of the Court's current form civil rights complaint, CV-66, which Plaintiff may use in filing a second amended complaint.

Plaintiff is cautioned that failure to timely file a response to this Order to Show Cause or a second amended complaint that complies with the Court's September 5, 2023, order will result in a recommendation to the district judge to dismiss this case for failure to prosecute and/or comply with a court order.

IT IS SO ORDERED.

Initials of Preparer

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ts